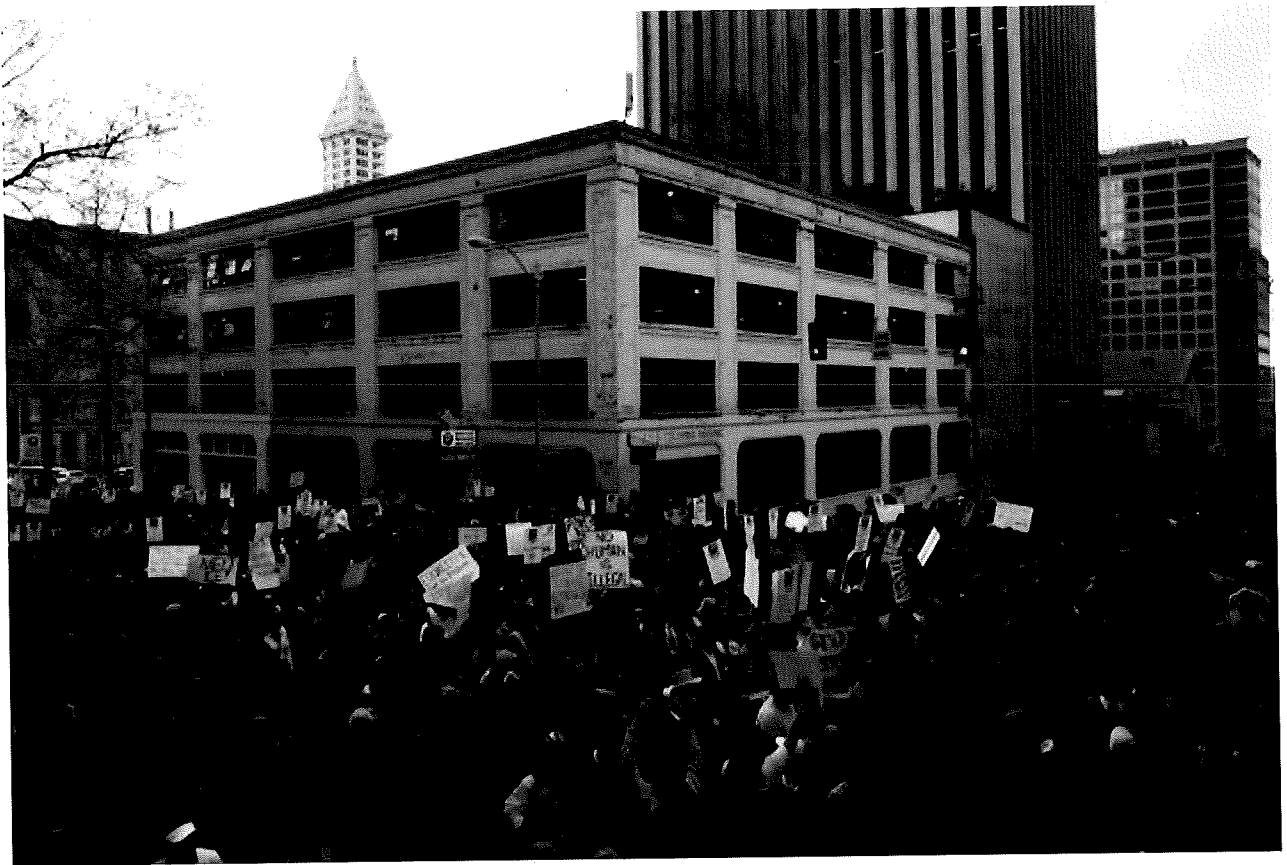


**Independent Review**  
**Report to the Chief of Police**  
**Seattle Police Department**  
**Response to May Day 2012**



**Prepared by**  
**Michael R. Hillmann**  
**March 2013**

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## **INTRODUCTION**

This review was commissioned by Seattle, Chief of Police, John Diaz, following Seattle Police Department's response to public demonstrations that occurred May Day 2012. The Chief of Police further requested this review identify deficiencies and provide recommendations for improvement to Seattle Police Department's demonstration management procedures. The scope of review focused on: Planning, Operations (including tactics), Command and Control, Policies and Training.

The report methodologies consisted of examination of Seattle Police Department policies, review of reports, evidence, videos, site visits, interviews, evaluation of training and community perceptions. It was not within the scope of this project to delve into personnel and administrative matters.

It should be noted that throughout this review, officers and supervisors expressed tremendous dedication to the City of Seattle and during the day when faced with uncooperative and antagonistic demonstrators, Seattle Police Officers performed admirably demonstrating both professionalism and restraint. However, during the review it was noted that frustration and disappointment were expressed when describing the Department's inability to protect the Downtown Core during the morning of May Day 2012.

The author would like to thank Chief Diaz, Assistant Chief Paul McDonagh, as well as the men and women of Seattle Police Department for their openness, transparency and willingness to move the organization "to greatness" by facilitating this review. Their knowledge, insight and cooperation were extraordinarily valuable.

### **May Day a Historical Perspective**

"May Day" or International Workers' Day is the commemoration of the 1886 Haymarket affair in Chicago. In 2006, May 1st was chosen by mostly Latino immigrant groups in the United States as the day for the Great American Boycott, a general strike of undocumented immigrant workers and supporters to protest H.R. 4437<sup>1</sup>, immigration reform legislation. Much resentment was expressed regarding this reform. On May 1, 2012, thousands marched in the streets of New York and around the U. S. to commemorate "May Day" as the worker's holiday and to protest the dismal state of the economy, the growing divide between the rich and the poor and the status quo of economic inequality. Members of Occupy Wall Street and labor unions held protests together in a number of cities in the United States and Canada May 1, 2012.

### **Seattle - May Day 2012 and planned events**

Several political rallies, entertainment a general strike and marches were known and scheduled to occur Tuesday, May 1, 2012. Events included the El Comite Pro Reforma Migratoria y Justicia Social, Occupy Seattle, Honor the Dead as well as others, who planned to rally independently

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<sup>1</sup> The Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437) - a bill in the 109th United States Congress, passed by the United States House of Representatives on December 16, 2005

and march in solidarity later in the day and join with other groups in the vicinity of Westlake Park and 2<sup>nd</sup> and Madison streets. Several "anarchist" groups were anticipated to attempt to disrupt the scheduled peaceful demonstrations that were publicized well in advance. In an attempt to maintain order, permitted protest organizers called for calm and assisted the Judkins Park Branch Director in maintaining order during that march. As publicized several locations in downtown Seattle were identified as potential protest sites, e.g., the business district, Westlake Park, Seattle Central Community College as well as, Judkins Park.

The following schedule reflects some of the planned activities surrounding May Day.

<b>HOURS</b>	<b>ACTIVITY</b>
0900	Breakfast and "speak-out" rally - Westlake Park
1100-1900	Entertainment and speeches – Westlake Park
1930	Occupy Seattle May Day Assembly - Westlake Park
1115	Bicycle "swarm" - assemble at Seattle Community Central College (SCCC) campus and prepare to bike with planned march.
1130	SCCC student walkout and march - Capitol Hill to Westlake Park
1200	Anti-Capitalist - march - Westlake Park
1500	Honor the Dead, Fight for the Living - march - Westlake Park
1700	El Comite Pro Reforma Migratoria y Justicia Social (Immigrants and Workers Rights) – march from St. Mary's Church/Judkins Park to several locations - terminate in downtown.
1730	Anti-Border Rally/Occupy Seattle (Westlake Park) - march to the Wells Fargo building, merge with El Comite Pro Reforma Migratoria y Justicia Social.
1800	Westlake Park – Occupy Seattle to demobilize and break down

The events of the day started relatively peaceful as the march from the Seattle Central Community College to Westlake Park commenced. Shortly after noon as anticipated, some protesters donned black clothing resembling Black Bloc Anarchists<sup>2</sup> and initiated property destruction in the downtown area. Seattle Police Department protected some properties from destruction, e.g., the Chihuly Green and Glass Museum in the Seattle Center.

From approximately 1200 hours until the Mayor signed the Emergency Proclamation at 1500 hours the violence continued in the Downtown Core. It was during this time Seattle Police Department was unsuccessful in stopping the violent destruction of property.

The signing of the Mayor's Emergency Proclamation authorized Seattle Police Department to identify and confiscate items categorized as weapons. This action significantly contributed to stopping the violence and was the tipping point in regaining control. Between approximately

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<sup>2</sup> Anarchists – an informal grouping of militants acting together during anti-capitalism, anti-war, etc., protests, often wearing black hoods and black clothing. They are commonly referred to as Black Bloc.

1500 and 1800 hours the mayhem subsided due to the significant presence of Seattle Police Department in the downtown area and the facilitated marches.

Unfortunately, the aforementioned three hour period (1200-1500 hours) was not a shining example of successful crowd management and protection of property. Demonstrators marched through Seattle streets disrupting traffic while a group of black-clad protesters (Anarchists) used sticks, hammers and rocks to smash downtown stores and Federal Courthouse windows. Numerous vehicles were vandalized by paint damage. Incendiary devices and smoke bombs were thrown by Black Bloc groups to further terrorize the community. The “mayhem” that resulted during the morning significantly damaged the credibility of the Police Department with the community because of the “appearance of inability” to protect the downtown.

It is important to note the same officers involved in the events earlier in the day performed professionally, were disciplined in their use of force and facilitated the lawful marches in late afternoon and early evening.

In late 2011, the Seattle Police Department became subject of a United States Department of Justice (DOJ) investigation that ultimately resulted in a negotiated Settlement Agreement, July 2012. During this review, much concern was expressed by employees regarding the Settlement Agreement and its impact on individual officer attitudes during their response to May Day.

Finally, the results of this report should be viewed as road map to continued reform as outlined in the *20/20 SPD, A Vision For The Future* by adopting the recommendations of this report.

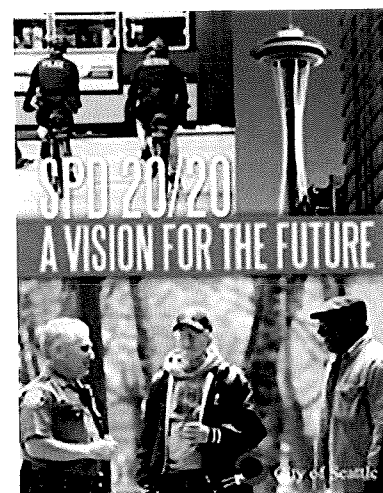
# EXECUTIVE SUMMARY

## 20/20 SPD, A Vision For The Future

According to the Defenders Association, the *20/20 SPD, A Vision For The Future* reform created by Seattle Police Department (SPD) was a watershed event in that it called for reform. Approximately two weeks prior to May Day, Assistant Chief Sanford met with the Defenders Association, several protest organizers (Occupy Seattle) and stakeholders to discuss and seek input into crowd management strategies. Additionally, this meeting described how the police department intended to surgically remove problematic persons and, if necessary, take preemptive actions against groups through search warrants and other lawful means to arrest individuals involved in criminal activity. This action by the police department was described as visionary and unprecedented and that this proactive approach to crowd management reform had not occurred since the World Trade Organization protests in 1999.

Initially, the Department's *20/20, SPD A Vision For The Future* addressed Demonstration Management Procedures. However, through several personnel interviews, not all employees stated they had heard of and/or understood the SPD 20/20 Plan.

On April 24, 2012, during the SPD May Day planning meeting, portions of the Demonstration Management Reform were introduced by Assistant Chief Sanford. Discussion centered on tactics, use of undercover personnel in the crowd, flanking marchers, use of force and specifically, the use of Oleoresin Capsicum (OC), e.g., pepper spray. According to interviews, not all of what was said in the meeting was interrupted as intended.



Several interviewees expressed concerns about taking any enforcement action and felt the "Seattle Police Department was under a microscope following the Settlement Agreement and should not do anything that would unnecessarily draw attention to themselves". This perception permeated many rank-and-file. Very telling in this regard was a statement attributed to the Seattle Downtown Business Association where the reason for the uncontrolled violence in downtown was attributed to the fact the Seattle Police Department was under a Settlement Agreement and officers were told "hands off" referencing their response to protester violence.

## Planning

According to the SPD Judkins Park Branch Director who managed several years of May Day Immigrant Rights protests he had seamless cooperation from the event organizers, El Comite Pro Reforma Migratoria y Justicia Social throughout the march.

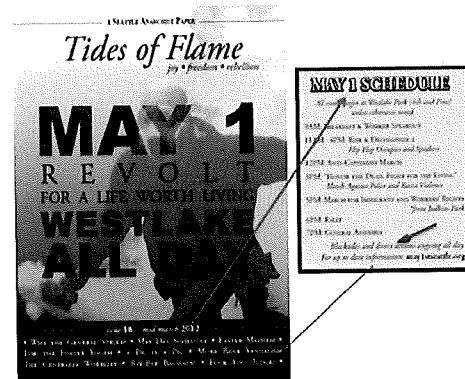
Although prior years were uneventful, the Branch Director indicated he was not involved in overall May Day 2012 planning.

The El Comite Pro Reforma Migratoria y Justicia Social event organizer related SPD could have been more helpful during the permit planning process to include providing structured procedures for the marchers. The planning process and rules were described as being made up as they (SPD) went along and that planning assistance did not start early enough.

As reported, Criminal Intelligence Section had been monitoring Pacific Northwest anarchist groups for months leading up to May Day 2012. Prior to May 1, 2012, Criminal Intelligence Section reported numerous "pre-incident indicators" that anarchists were going to descend on Seattle and create property damage through organized Direct Action. This information was reported up through the chain of command and according to sources, was not "overtly" acted on until April 23, 2012. However, unknown to some in the Department Assistant Chief Sanford aware of this information had been working closely with the Defenders Association and others to develop crowd management strategies that would meet the 20/20 reform initiatives.

According to reports, the majority of Seattle public assemblies and marches occur in the West Precinct and according to policy, are the responsibility of the West Precinct Commanding Officer (Captain Kessler) to plan, prepare, manage and control. Prior to April 23, 2012, according to Captain Kessler, he was advised of a pending change of assignment. Based on this, Captain Kessler believed he would not be the Incident Commander for May Day<sup>3</sup>. Assistant Chief Sanford indicated the change of assignment was based on Captain Kessler's requested reassignment to the Department's Ethics Section and that personnel are periodically rotated throughout the Department. Regardless of the proposed change in command, event planning was not initiated in advance of April 24, 2012

Information assembled late in April regarding May Day 2012 was that multi-marches and gatherings would take place and involve both East and West Precincts. Department-wide resources would be needed to police both permitted and anticipated, non-permitted marches. Planning under these circumstances was described as the responsibility of the Precincts; however, late in the preparation, "Department leadership" decided the Seattle Police Operations Center (SPOC) would coordinate planning with East and West Precincts.



According to Captain Kessler, he was informed he would be the Incident Commander (IC) on April 24, 2012 by Assistant Chief Sanford. Based on review, it appeared April 24, 2012 was considered the official start date for the "combined" planning and development of the Incident Action Plan (IAP). According to Captain Kessler, he was of the opinion that all planning was

<sup>3</sup> According to Assistant Chief Sanford, the transfer would not occur until following the May Day event.

now taken over by SPOC and that he would have minimal involvement other than to command the events of May 1<sup>st</sup>. Captain Kessler indicated he had previously scheduled days-off on the Friday, Saturday and Sunday prior to May Day. Assistant Chief Sanford stated he was unaware of this and had it been brought to his attention earlier, he would have reassigned the Incident Commander responsibility to another command officer. Captain Kessler stated he did not advise his chain of command of his prior commitment.

The May Day staggered roll-call times and multi-staging/roll-call locations contributed to personnel not being on the street well in advance of protesters showing up and/or being able to respond as needed. The roll-call times established did not reflect adequate command oversight.

On May Day, Captain Kessler, along with Assistant Chief Sanford, attended the 1000 hours roll-call and briefed on-duty personnel. At that roll-call (as well as other briefings) Assistant Chief Sanford and Captain Kessler discussed what ultimately was described as “conflicting crowd management strategies and confusing direction as to use of OC spray and tactics”.

The following points were presented by Assistant Chief Sanford, April 24 to commanders and on May 1, 2012 during roll-call, as “The Chief’s Top Four”<sup>4</sup>.

1. No crowd engagement – coordinated, strategic; we pick the time and place for action; we will arrest for criminal activity coordinated away from crowd. Our job is to hunt on the periphery to deter and interdict.
2. Use of OC spray - Use represents a loss for us; no individual use except in self-defense; if needed; will be at the ICs direction and coordinated.
3. Identify and protect critical facilities – This includes our vehicles and equipment; we will not allow disruption of business or government functions.
4. Not a protest as usual; everyone is watching us, we model professionalism; I want everyone to see that today.

According to interviews, this message was interpreted to mean a “hands off approach” to crowd management, “no enforcement, invisible deployment” and no use of OC spray. According to civilian interviews the lack of overt police presence in the downtown area was described as a huge change in past practice. Furthermore, email exchanges May 1, 2012 amongst SPD planning and command, tended to support the “non-intervention” strategy<sup>5</sup>.

Prior May Day planning called for SWAT to be in plain clothes, to act as force protection for the Criminal Intelligence Section, Situational Awareness (SAT) Teams deployed inside the crowd who were to provide intelligence. The deployment of SWAT for such a detail was a drastic departure from the traditional Chemical Agent Response Team (CART) function during protests.

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<sup>4</sup> As recorded by Sergeant Verhaar following discussion with Assistant Chief Sanford and prior to the April 24, 2012 meeting.

<sup>5</sup> As reported in the Incident Commander’s Review by Captain Kessler, May 1, 2012



This led to much confusion and discussion that ultimately became a distraction to planning and operations. Following initial deployment, command reassigned SWAT back to their traditional CART function.

Following the May Day, roll-call briefing, Captain Kessler and his command team, Lieutenants James, Kordnor and a Detective (intelligence liaison), entered a SPD van utilized as the incident command vehicle and deployed to the field with an officer assigned as driver. At approximately 1152 hours, SPD radio traffic reported a march started from the Seattle Central Community College (SCCC) and was headed to Westlake Park. From this time forward interviews revealed there was no stationary Incident Command Post and that the mobile van containing “the command team” trailed the protests.

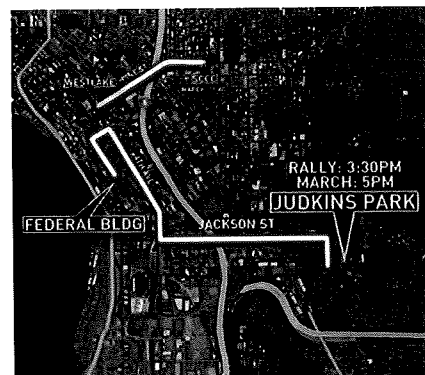
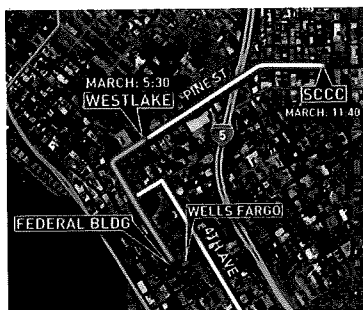
The Incident Commander described how he utilized his cellular telephone as primary communications because anarchists monitored SPD radio frequencies. Some personnel interviewed described their response to various events during May Day was based on their individual monitoring of the SPD radio for situational awareness. There did not appear to be command direction provided to responding Bicycle Units. As one Bicycle Unit supervisor reported, “he did not hear any commands issued from Operations and/or the IC” throughout the entire event and believed there was little command and control. During one interview, a Bicycle Unit supervisor advised his self-deployment was in response to being at work early for other reasons while monitoring the radio.

It was determined through some interviews the Incident Commander was unaware of available resources, and did not request a “Task Force” (re-deployment of on-duty SPD personnel) and had little knowledge of where personnel were actually deployed.

During interviews, Lieutenant James indicated he was assigned as the Operations Section Chief, although the ICS-203 (Assignment Sheet) positioned him as the Westlake Branch Director. Lieutenant James stated that at approximately 1100 hours he positioned SPD personnel at critical sites in the downtown area that had been previously targeted. Subsequently, Lieutenant James indicated he teamed up with Captain Kessler in the field at approximately, 1130/1145 hours.



Protest March Maps at Various Times

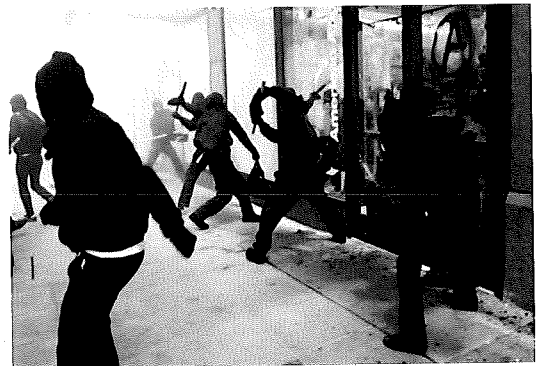


After 1210 hours, Assistant Chief Sanford deployed to the field to monitor the events. Assistant Chief Sanford stated in his Use of Force Statement, "I spoke at roll-calls reiterating our desire to not create lines of police against the edges of crowds or marches, that we did not wish to use pepper spray except for self-defense, defense of others or to deny access to areas (protection). In addition I spoke of our desire to not end up making arrests in the middle of the peaceful crowd to the degree that it could be avoided. I am aware that as we modify and alter our demonstration management tactics there is a possibility that miscommunication or that misinterpretation can occur. For that reason, I wanted to monitor the events on the street".

It appeared Assistant Chief Sanford was concerned about the clarity and understanding of what was communicated during briefings as well as, command in the field. One interview indicated "when I left roll-call it was clear there was a "hands-off" approach in dealing with crowds."

When Assistant Chief Sanford went to the field he monitored the radio and noted that no direction was being provided by incident command hearing reports of property damage at the U. S. Court of Appeals building. In the vicinity of 1500 block 6<sup>th</sup> Avenue (Nike Town) Assistant Chief Sanford, upon witnessing the breaking of windows and extensive property damage, ran passed SPD officers and told them to follow him.

Assistant Chief Sanford ran into the crowd of protesters to arrest an individual. Upon moving into the crowd and contacting an unidentified arrestee, he became involved in an altercation resulting in his falling down. Assistant Chief Sanford, attired in a white shirt, pants and armed with his service pistol (holstered on his left side), had assumed SPD personnel were in close proximity. Upon observing Assistant Chief Sanford surrounded by



protesters, SPD personnel immediately moved into the crowd and utilized OC to disperse the group. As a result, no arrests were made and Assistant Chief Sanford sustained a torn shirt with visible (minor) injuries. This incident resulted in a series of use of force reports prepared by the involved officers, including Assistant Chief Sanford.

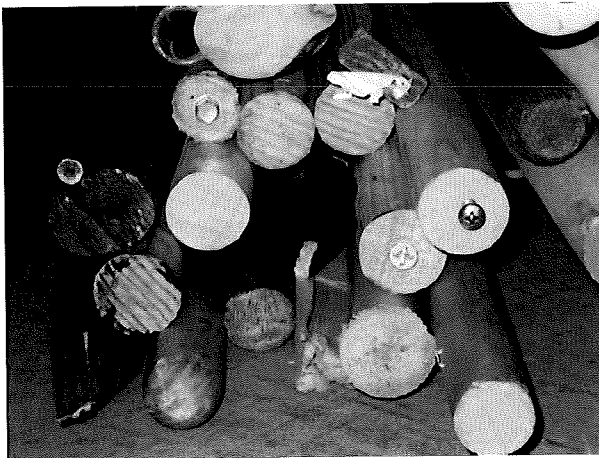
This incident was commented on in all interviews as being an example of questionable tactics utilized by a staff officer and that his actions created a use of force situation. Assistant Chief Sanford decided to initiate action and make arrests for the on-going property destruction as it did not appear that leadership and command were not directing SPD personnel to stop what was occurring.

Subsequent to the aforementioned, SPD personnel described the incident as running itself with self-deployment of supervisors and officers taking independent action with little coordinated direction. One SPD interview related that "we did not adapt to what was happening and stop the violence"; "SPD had been under the DOJ (Department of Justice) focus for some time and we tried to stick to the plan but no one wanted to adjust when the plan didn't work".

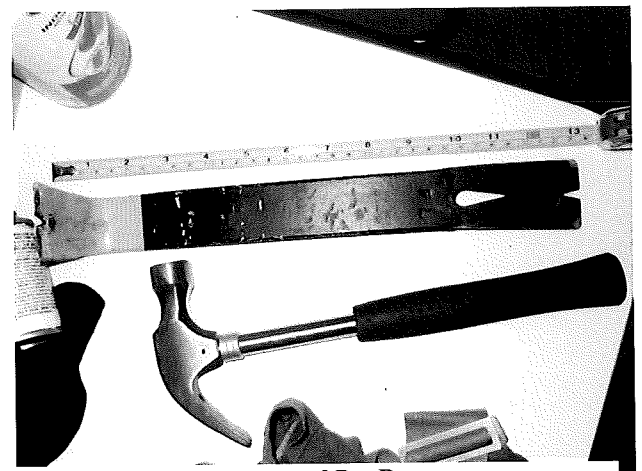
A significant visionary step in planning through the efforts of SPD and the a Deputy City Attorney included the preparation of an Emergency Proclamation authorizing SPD personnel to confiscate potential weapons from protesters included in part: *"WHEREAS, the weapons the anarchists will bring may include tire irons, metal signs with pieces of lumber such as bats or 2x4 inch boards that may be disguised with protest signs and can be used for infliction of serious bodily harm, and a metal wheeled cart with sharp protrusions intended to be used to ram into persons and police horses"*. Due to the extensive property damage that had occurred, at approximately 1508 hours, Mayor Michael McGinn issued the Mayoral Proclamation under the City Charter authority for a Declaration of Emergency. This authorization was immediately communicated via SPD communications to all personnel.

In review of the Emergency Proclamation success in stopping the violence it is recommended research be conducted into enhancement of permanent City restrictions on items protesters can bring to public assemblies. This is further commented on in the Findings and Recommendations portion of this report.

At approximately 1955 hours, the violence subsided when the Black Bloc groups returned to Westlake Park began to disperse. Following the melee, numerous weapons and evidence were recovered throughout the downtown area and vandalism reports taken.



Sticks with Bolts and Screws



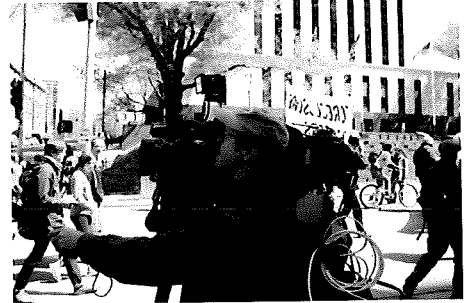
Hammer and Pry Bars

As a result of May Day violence the Commanding Officer of Operations directed a criminal investigation task force be assembled by Criminal Intelligence Section to investigate, apprehend and prosecute subjects involved. Through follow-up investigations, additional suspects for prosecution were identified. According to information received at the time of this report, eight arrests were made May Day 2012, additionally; five subjects were identified as co-participants. Currently, the FBI is investigating several other involved suspects believed to be responsible for the Federal Courthouse damage.

During interviews, SPD Media Relations actively utilized social media to provide on-going information to the community as to the status of the downtown area protests. Subsequently,

during investigations, Media Relations very successfully utilized social media contacts to help identify additional suspects involved. Media Relations did an outstanding job of managing information in near real-time and communicating updates to the public.

During review it was noted numerous electronic media were allowed unfettered access to SPD activities. In some cases the media was directly involved in the middle of confrontations. In discussions with Media Relations it was determined that SPD did not have additional “identifiable” PIOs in the field to help liaison with the media and prevent them from interfering in arrests and crime scenes. At one point one media representative from the Seattle Post-Intelligencer (Seattle PI) sustained an injury to the left side of his face and became the victim of an assault<sup>6</sup>.



All personnel interviewed stated they had not received Department-wide training in Crowd Management tactics since the 1999 World Trade Organization (WTO) Conference. There was mention, however, regarding sporadic refresher courses covered during “Street-Skills (in-service) training but not all personnel attended. This matter is also commented on in the Findings and Recommendations of this report.

Immediately following the May Day events, supervisory debriefings were conducted along with several After-Action Reports/summaries describing varying accounts of what occurred. Currently, Department-wide animosities and rumors regarding command failures, planning, lack of resources, staff presentations, tactics and use of force exist.

As described by the Defenders Association, SPD took an “extraordinary positive step” in assembling the same stakeholders to debrief May Day as they did during the initial planning phase. As commented on during debriefing, “the SPD did a great job of facilitating the Immigration Rights march even after the downtown violence, but earlier there was no overt police presence downtown and they didn’t appear to be in a position to respond fast enough to stop the violence that was occurring. It appeared the shift in SPD’s crowd management culture occurred too fast and was not well understood. Furthermore, Assistant Chief Sanford did a great job in attempting to change a culture of excessive force while some command personnel paid lip service”.

This Report includes 38 Findings and Recommendations as well as a summary comparison in Appendix I.

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<sup>6</sup> In the interest of a balanced review, an attempt was made to interview this media victim however, the Seattle PI declined.

# **CHRONOLOGY**

## **MAY DAY 2012 COMES TO SEATTLE**

The following chronology leading up to May Day 2012 includes this reviewer's observations, notes and facts excerpted from Seattle Police Department (SPD) interviews, Computer Aided Dispatch (CAD) entries, Use of Force Supplemental Reports, Seattle Police Operations Center (SPOC) reports, SPD Intelligence Section information, news media accounts and After-Action Reports (AARs) completed by various personnel.

### **January 11, through May 1, 2012**

During the first five months of January 2012, the West Precinct planned and/or responded to 14 protests and/or marches, to include May Day. Three of the protests were related to the Occupy Seattle Movement.

### **March 19, 2012**

Seattle Times article: "Occupy Wall Street urges May 1st strike over arrests". The article specifically addressed Occupy Wall street activists who called for supporters to skip work on May 1 to protest "police brutality during 73 arrests in New York during the weekend". Furthermore, the article stated "Occupy organizers across the country had been mobilizing for months toward a one-day, general strike in May".

### **March 29, 2012**

Seattle Police Department initiative is revealed entitled "SPD 20/20 - A Vision for The Future". The 20/20 plan consists of 20 categories intended to improve Seattle Police Department's service to the community. The 20/20 initiative embodies the following initiatives:

1. Reform Management of Public Demonstrations;
2. Develop Protocols to Prevent Low-Level Offenses from Escalating;
3. Address Biased Policing;
4. Train All Officers on Use of Force Standards Consistent with Seattle Values;
5. Train Officer in Appropriate Search and Seizure Practices;
6. Improve Supervision by Creating a Sergeant's Academy;
7. Improve Leadership by Creating a Commander Academy;
8. Train new Officers to Understand Seattle;
9. Improve Review of Uses of Force;
10. Develop Binding, Written Code of Ethics;
11. Recruit Great officers;
12. Systematic Enforcement of Professional standards;

13. Enhance Early Intervention Systems;
14. Implement a Data-Driven Approach to Policing;
15. Work with Major City Police Department to Develop Best practices;
16. Listen and Explain with Equity and Dignity;
17. Provide Better Information to the Public;
18. Improve Transparency and Accountability;
19. Launch a Community Outreach Initiative;
20. Launch a Customer Relations Initiative.

#### **April 4, 2012**

SPD Intelligence Section monitored various sources regarding groups of persons “described as Anarchists and Black Bloc” who intended to disrupt peaceful protests during May 1, 2012 by engaging in “Direct Action”. Monitoring had occurred over a period of several months to include Internet traffic and graffiti in the Seattle area. On the above date, SPD Intelligence Section monitored a website threatening to shut down Seattle May 1, 2012 (“May 1st Shut Down the City”). This information was transmitted via email from SPD Intelligence Section to the Seattle Police Operations Center (SPOC).

#### **April 18, 2012**

West Precinct Special Events Planner advised an Immigration Rights march had received an Event Permit to march from Judkins Park to 3<sup>rd</sup> Avenue and Marion Street. The march was to begin at approximately 1500 hours. Additional information regarding a potential Occupy Seattle march was going to occur beginning in Westlake Park with an unknown start time.

#### **April 20, 2012**

Email from D. Vanderglessen (SPOC) to Assistant Chief P. McDonagh (cc'd Levandowski, Lee, Eliadis, Kerns, Christy, Gough), provided information regarding May Day to include known scheduled events. Advised Sergeant Bailey as West Precinct, Special Events Coordinator and East Precinct regarding Judkins Park.

#### **April 23, 2012**

##### **Morning**

SPD Criminal Intelligence Section presented a Power Point to the SPD executive staff describing “significant” intended disruption (Direct Action) and scheduled planned marches for May Day.

## **Afternoon**

SPD Criminal Intelligence Section presented the same Power Point to Seattle Mayor, Michael McGinn.

According to executive SPD interviews, due to the "hard intelligence" received regarding public disruption of May Day events, members of the SPOC and the West/East Precinct Special Events Coordinators were tasked to prepare the Incident Action Plan for May Day 2012. Due to the complexities of scheduled events and intelligence, SPOC was directed to coordinate the planning.

## **April 24, 2012**

A planning meeting attended by Assistant Chief Sanford and Captain Kessler was conducted. At this meeting, Assistant Chief Sanford provided an Intelligence update, addressed Department crowd management philosophies and the OC use of force policy. At the meeting, Captain Kessler was designated as the Incident Commander. SWAT was designated as force protection for the Criminal Intelligence Section, Situational Assessment Teams (SAT). Following this meeting, planning for May Day continued.

## **April 25-26, 2012**

The Planning Cell and Incident Commander worked on the Incident Action Plan (IAP).

## **April 27, 2012**

Public Announcement - Mayor McGinn Warns of Violence at Next Week's May Day Celebrations, SLOG News and Arts, posted by Eli Sanders, Fri, Apr 27, 2012 at 1:27 PM

"A statement released by Seattle Mayor Mike McGinn's office says authorities believe May 1 could become a chaotic day in Seattle, based on their interpretation of local graffiti, web sites, and recent incidents:

- On Tuesday, May 1, several organizations will be holding public demonstrations in Seattle. This will include an annual May Day March for Immigrant and Workers Rights from Judkins Park to downtown Seattle, an Occupy Seattle-sponsored General Strike, and rallies scheduled throughout the day at Westlake Park. The Seattle Department of Transportation advises that delays should be expected downtown during the Tuesday afternoon commute.
- We also have evidence that other people may be coming to Seattle on Tuesday with the intention of using the public demonstrations as an opportunity to commit violence, damage property and disrupt peaceful free speech activity. There has been a significant increase in

graffiti and posters alluding to violence around the May 1 events. Websites have described trainings in how to conceal weapons beneath signs and banners, and how to target police officers on horses”.

### **April 27-29, 2012**

Captain Kessler on scheduled days-off stated he received information regarding potential anarchist participating in marches (April 27, 2012).

### **April 30, 2012**

At approximately 1000 hours, a Branch Director/Supervisors briefing occurred at the West Precinct. Criminal Intelligence Section provided the intelligence update. Assistant Chief Sanford and Captain Kessler briefed supervisors and various Lieutenants regarding the concept of operation and use of force.

### **May 1, 2012**

Time line created by Seattle Police Operations Center

### **SPD Scheduled Activities**

<b>HOURS</b>	<b>ACTIVITY</b>
0700	Roll-call West Precinct – Westlake Park
1000	Roll-call East Precinct for Seattle Central Community College (SCCC) Roll-call West Precinct for Westlake Park Roll-call – SWAT (at SWAT facility)
1100	Roll-call - West Precinct – Arrest Team Roll-call – SWAT (second briefing and change into CART)
1130	Bike Squad - arrived West Precinct
1200	West Precinct Station Security – officers redeployed Roll-call East Precinct – Judkins Park
1230	Anticipated demobilization – East Precinct resources assigned to SCCC march
1400	Roll-call West Precinct for Rapid Deployment Resources (Scheduled)
1600	Roll-Call Judkins Park
1614	Seattle City EOC activated
1700	King County jail notified of possible demonstration headed to their facility



## **Actual Activities**

<b>HOURS</b>	<b>ACTIVITY</b>
1152	March begins Seattle Central Community College
1205	March arrived at Westlake Park
1223	March marching westbound on Pike Street
1227	Protesters jumping on cars
1235	75 Black Bloc in crowd throwing rocks and paint, irons and sticks
1238	Damage to Wells Fargo Bank
1240	Damage to Public Library
1241	Smoke bomb at U. S. Court of Appeals
1243	“Superheros” at Courthouse
1251	Assistant Chief Sanford directs officers into crowd
1253	Protesters painting cars, throwing flares, smoke bombs, breaking windows between Pike and Pine Streets
1255	SPD in foot pursuit westbound after group
1256	Protesters (Black Bloc) back at Westlake Park – clothes change by Black Bloc
1345	SPD officers recovered evidence from downtown
1514	SPD communications announced Mayor Proclamation signed and in effect
1517	Occupy Seattle – march begins from Westlake Park (northbound on 4 <sup>th</sup> Avenue)
1524	Report of 50 persons donning gas mask in front of march
1544	March arrives at John T. Williams Memorial
1639	Bike Units have arrest (Pike and 1 <sup>st</sup> Avenue)
1650	Judkins Park March begins (approximately 500 persons)
1820	Westlake Park and Judkins Park marches converge – westbound Madison to 4 <sup>th</sup> Avenue
1900	Metro Buses transport Judkins Park marchers back to park
1935	Federal Plaza mostly empty
1955	Westlake Park – 40-50 protesters remained
2049	Canopies and other items removed – approximately 10 persons remained

### **May 4, 2012**

After-Action Report completed by T. Burns

### **May 8, 2012**

Draft Time line completed by D. Vanderglessen

### **June 30, 2012**

May Day 2012 Incident Commander Review, completed by Captain J. Kessler (cc to Deputy Chiefs N. Metz/C. Kimerer).

**December 17, 2012**

Reviewed and discussed a Draft After-Action Report by Assistant Chief P. McDonagh

# FINDINGS AND RECOMMENDATIONS

## I. POLICIES

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### **Finding #1**

The pre- and post-event May Day stakeholders planning/debriefing meetings conducted by Assistant Chief Sanford were visionary and reflected Department commitment to the 20/20 Reform initiatives.

### **Recommendation #1**

During future incidents/events, consider continuing “inclusive” meetings with the Downtown Business Association representatives.

### **Finding #2**

Demonstration Management Policy Section 14.090 (both current and draft versions) does not reflect contemporary crowd management and control practices.

### **Recommendation #2**

Consider updating the current and draft policies to include concepts, strategies, and specific topics relevant to contemporary crowd management<sup>7</sup>. Furthermore, the draft Policy should reference the FEMA Incident Action Planning Guide, January 2012 regarding the Incident Commander and Operations Section Chief responsibilities involving the briefing format.

The policy should reference (but not limited to) the following:

1. Law Enforcement Objectives in the 21st Century
  - a. Principles of Crowd Management
  - b. Community Stakeholders
  - c. Terms and Definitions
2. Planning and Preparation
  - a. Incident Command System (ICS)
  - b. Incident/Event Briefing
  - c. Crowd Behavior
  - d. Strike Team Response

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<sup>7</sup> As an example, refer to the California Peace Officers Standards and Training (POST) Crowd Management, Intervention and Control Guidelines (March 2012).

- e. Mutual Aid & Multi-Agency Coordination
  - f. Public Agency and Community-Based Resources
  - g. Training and Managing Crowds
- 3. Information Management
  - a. Information Gathering and Assessment
  - b. Incident Document Documentation
- 4. Roles and Responsibilities
  - a. Command and Control
  - b. Leadership Responsibilities
  - c. Criminal Investigation
- 5. Crowd Control
  - a. Crowd Management, Intervention and Control strategies
  - b. Dispersal Orders
  - c. Mass Arrest and Booking
  - d. Use of Force: Force Options
  - e. Use of Nonlethal Chemical Agents
- 6. Media
  - a. Media strategies
  - b. Electronic Communications and Social Media

### **Finding #3**

Use of Force – Oleoresin Capsicum, Policy Section 6.240 does not include contemporary procedures consistent with the use of OC and does not include a recent 9th Circuit Court of Appeals case *Young v. County of Los Angeles*<sup>8</sup>.

### **Recommendation #3**

Consider updating the current Use of Force Policy to include (but not limited to), the following:

1. There is no exception to the law or Department use of force policy.
2. The use of OC during any application of force must be based on the “Objectively Reasonable” standard.
3. The use of OC for crowd dispersal must be approved by the Incident Commander or his/her designee.
4. OC shall not be used to gain compliance of a passive-resistant protester.
5. The application of OC is a reportable use of force.
6. Include recent case law.

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<sup>8</sup> 9th Circuit Court of Appeals case, *Young v. County of Los Angeles*, 655 F3d 1156, 1163-1166 (9th Cir 2011).

#### **Finding #4**

Media Relations – 1.070 and Public Affairs (Draft Policy) – Terminology is not consistent with Incident Command System (ICS) terms and definitions.

#### **Recommendation #4**

Consider changing “on-scene commander” to the “Incident Commander”.

#### **Finding #5**

The draft Public Affairs Policy does not specifically address Public Assemblies.

#### **Recommendation #5**

Consider including (but not limited to) in the draft Public Affairs Policy a specific section regarding Public Assemblies:

1. Having an effective media relationship is important to law enforcement when addressing crowd management incidents. The more law enforcement interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting.
2. When practical, designate an area outside the impacted area/crime scene but within audible range for media to congregate and report the event.
3. When practical, the Department will try to prevent the news media viewing area from becoming part of any area impacted by an unlawful assembly declaration and order to disperse.
4. When practical, assign a trained uniformed officer in the field, identified as a temporary PIO to coordinate with the media as necessary.
5. Consider developing a plan in advance to address non-traditional media in the crowd.
6. Consider informing the media of law enforcement expectations during a dispersal order.

#### **Finding #6**

The Media Relations, SPD Blogger for Major Incidents utilized May Day 2012 exceeds contemporary law enforcement standards.

#### **Recommendation #6**

Continue to improve the use of the SPD Blogger for major events. The use of the SPD Blogger by the Supervisor in charge of Public Affairs on May Day 2012 was excellent and kept the community advised as to the status of the unrest in the Seattle Center Area.

## II. PLANNING

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### **Finding #7**

Based on specific intelligence collected prior to May Day, “Department Planning” did not begin early enough to provide effective deployment and include clarity of strategies.

### **Recommendation #7**

Consider planning, reviewing and approving high-profile, annual events well in advance to allow for pre-event training. In this case it would have been preferable to initiate Department-wide planning to include specific May Day training, at least one month in advance.

### **Finding #8**

As reported, the Incident Commander did not appear to be actively engaged in incident planning and depended on SPOC to complete the IAP.

### **Recommendation #8**

The Incident Commander should direct and oversee planning efforts<sup>9</sup>. The Incident Commander should establish objectives and strategies based on intelligence; request resources based on tasks; the Operations Section Chief should determine the tasks to be performed and the Planning Section Chief should prepare the plan and ensure necessary resources are available from throughout the Department.

Note: The Planning Cell should include: The Planning Section Chief; Operations Section Chief; Special Events Coordinators of the involved Precincts; Special Operations Bureau, Criminal Intelligence Section, Traffic, Investigations, Media Relations, the Seattle Fire Department and the Incident Commander.

### **Finding #9**

Special Event and incident planning did not appear to follow preferred practices as described in the Incident Command System<sup>10</sup> (ICS) planning process.

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<sup>9</sup> Planning should not drive command; command should drive planning.

<sup>10</sup> In addition to the FEMA, IAP Planning Guide, January 2012, the National Wildfire Coordination Group, Incident and Event Planning Module 11, I-300, October 1994 is a resource.

### **Recommendation #9**

Consider referring to the FEMA Incident Action Planning Guide (January 2012) and ensure the process is followed.

### **Finding #10**

As reported, the Incident Commander did not ensure adequate resources were deployed.

### **Recommendation #10**

Consider requiring the Incident Commander to determine appropriate staffing levels, organization structure based on function and to ensure personnel and equipment requests are processed and approved in a timely manner.

### **Finding #11**

The IAP was not officially reviewed and approved by the Incident Commander (and chain of command) to include a signature and date of approval prior to dissemination.

### **Recommendation #11**

Require the Incident Commander affix his/her signature (and date of review) to the Incident Action Plan prior to distribution (accountability).

### **Finding #12**

It did not appear personnel were scheduled to report for duty early enough to provide adequate information exchange and an “overt” police presence (see Chronology).

Additionally, there did not appear to be a supervisory pre-meeting prior to the event.

### **Recommendation #12**

The Incident Commander should review personnel reporting times based on known or anticipated facts (intelligence) and ensure roll-calls, equipment check-out, transit times and information exchange occur early enough to ensure resources are on-site and in position prior to protesters arrival.

Additionally, the Incident Commander should conduct a pre-meeting with all supervisors to discuss strategies, receive input, clarify issues and provide continuity of the Commander’s Intent.

### **Finding #13**

Scheduled May Day briefings were not combined to ensure consistency of messaging, nor centrally located in the West Precinct area to reduce deployment time.

### **Recommendation #13**

Consideration should be given to combined briefings (roll-calls), centrally located and well in advance of the events to allow for early deployment.

### **Finding #14**

It was reported, command did not immediately react to changing conditions once crowds started to build, marches and violence began. The Incident Commander did not request/readjust SPD resources to meet changing conditions.

### **Recommendation #14**

The Incident Commander and General Staff should constantly re-assess the situation and prepare for unanticipated incidents, e.g., non-permitted marches. Strategies should include re-deployment of on-duty personnel to critical sites/business; repositioning and coordinating resources to prevent property damage and make arrests.

### **Finding #15**

According to interviews, the SPD 20/20 Initiatives, Demonstration Management and Reforms were not thoroughly communicated and explained. It was reported there had been no training provided prior to May Day regarding the change in Crowd Management tactics.

### **Recommendation #15**

Consider a timely “roll-out” plan for new strategies, e.g., the 20/20 Vision, to include Department-wide education and training to clarify expectations prior to the event and allow time for change to be implemented.

### **Finding #16**

Although the 20/20 Strategic Plan includes affixing Crowd Management Reform to a Lieutenant, currently, collateral duties and responsibilities appear to have competing priorities reducing the ability to focus on implementation of crowd management reforms.



### **Recommendation #16**

Consider appointing a Command level Officer (Captain) as the SPD Demonstration Management Coordinator to be responsible for overseeing Department-wide policies, guidelines, training, technology and best practices. Give consideration to this position being a direct report to the Commanding Officer Special Operations Bureau and be cross-staffed with the Training Section.

### **Finding #17**

Throughout the interviews, SPD personnel were extremely concerned about their actions considering SPD was under United States Department of Justice, Settlement Agreement.

### **Recommendation #17**

The United States Department of Justice Settlement Agreement must be embraced by the Department and cannot be impediments to SPD daily and future performance. Updates, expectations, procedures and training must be communicated Department-wide to reduce fear and maintain continuity of operations.

### **Finding #18**

The advance preparation of a draft Emergency Proclamation by the Seattle West Precinct Liaison, Deputy City Attorney, providing the authority to seize potential weapons by SPD, demonstrated excellent foresight.

### **Recommendation #18**

Consider enacting (to include but not limited to) permanent City Municipal Ordinances prohibiting:

- Non-flammable substances other than small candles (define size);
- Any length of lumber, wood, or wood lath unless that object is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension. Both ends of the lumber, wood or wood lath shall be blunt;
- Any length of metal or plastic pipe greater than 12 inches, whether hollow or solid; Provided that hollow plastic not exceed three-quarter (3/4") inch in its thickest dimension, and not exceed one-eighth inch (1/8") in wall thickness and is not filled with any material, liquid, gas or solid that may exceed 12 inches in length when used to support a sign, banner, placard, puppet or other similar display. Both ends of the length of material shall be blunt;
- Improvised items commonly referred to as Lock-Down, Black Bears or Sleeping-Dragon devices. The terms Lock-Down, Black Bears or Sleeping Dragon, shall include a section of

pipe or other material containing and/or filled with weighted materials and/or handcuffs, chains, or other locking devices utilized for the purpose of locking persons to other persons or objects;

- Balloons filled with any materials or substances other than air, oxygen or helium;
- Any projectile launcher or other device which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance. Prohibited items include, but are not limited to: Super-soakers, water cannons, catapults and wrist rockets. Nothing in this subsection is intended to prohibit or restrict the possession of water or other liquids designed and intended for human consumption during a lawful assembly;
- Biological toxic waste fluid, solid or gas in any container; any caustic, corrosive, abrasive or flammable fluid, solid or gas in any container, when a police officer reasonably believes, under the circumstances that said substances would be used in an unlawful manner.

### **III. OPERATIONS**

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#### **Finding #19**

There was no “fixed site” established for the Incident Command Post to manage the event.

#### **Recommendation #19**

Establish a “fixed site” for the Incident Command Post (ICP) with appropriate staffing to include communications, SITSTAT, RESTAT<sup>11</sup> and Documentation Unit. Establish unified command with Fire Department and consider equipping SUV style vehicles similar to and compatible with Fire Department ICP vehicles.

#### **Finding #20**

It was reported, there were insufficient resources during the Westlake Park, non-permitted march. There was no indication of a request for a “Task Force” and/or re-deployment of resources to the downtown area as a deterrent and response to property destruction. The term Task Force is not consistent with ICS terminology.

#### **Recommendation #20**

Command should constantly analyze the situation and think ahead of when resources might be required. Provisions for requesting a “Task Force” and/or deploying additional personnel must be requested before they are needed. The term “Task Force” should be referred to as a “Strike Team”.

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<sup>11</sup> SITSTAT = Situation Status; RESTAT = Resource Status.

### **Finding #21**

There were no “Anti-Violence Teams” (plain clothes personnel) deployed inside crowds to specifically identify unlawful activity. Additionally, there did not appear to be uniformed “force protection teams” deployed to make “surgical arrests” pointed out by the Anti-Violence Teams. (Note: The mission of the Anti-Violence Teams differs from the SAT Teams in that they are dedicated to identifying unlawful behavior and working with their assigned uniform teams who make the arrests).

### **Recommendation #21**

Consider training and deployment of Anti-Violence Teams (plain clothes) with uniformed personnel working together as squads. Their primary mission is to work inside the crowd and report unlawful behavior. The uniform teams work with the Anti-Violence Teams and support “surgical” arrests. The use of these teams allows the Incident Commander to make specific arrests for unlawful behavior without declaring the entire assembly unlawful.

### **Finding #22**

The effectiveness of Bicycle Units was commented on as being highly successful in meeting the dynamics of mobile and densely populated crowds. The use of Bicycle Units to facilitate marches and public assemblies is a best practice and should be exploited.

### **Recommendation #22**

Consider expansion of the SPD Bicycle Unit program with a Department coordinator at the rank of Lieutenant. Department coordination should provide consistent and frequent training to Bicycle Units in crowd management tactics.

### **Finding #23**

The Downtown Seattle Business District Association cameras and security liaison were not utilized by SPD.

### **Recommendation #23**

Capitalize on the inclusion of the Downtown Seattle Business District Association security personnel and camera technology to support Incident Command and provide “real-time” situational awareness. Additionally, during high profile incidents involving the downtown area, consider including a Downtown Seattle Business District Association security representative inside SPOC and/or the ICP as a liaison representative.

#### **Finding #24**

It was reported the Incident Commander utilized his cellular telephone to communicate with his staff rather than SPD radio channels to provide primary direction to field personnel (he believed SPD frequencies were being monitored by protesters).

#### **Recommendation #24**

Give consideration to primarily utilizing SPD radio frequencies to communicate with all personnel. Note: the timeliness and dependability of cellular technology during high frequency usage is unreliable and does not provide total situational awareness for field personnel.

#### **Finding #25**

The ICS-205 (Communications Plan) was not operationally acceptable as personnel were unaware of which frequency to utilize. Some supervisors expressed concern they were unclear how to reach the Incident Commander and to tactically communicate. The plan was not tested in advance of May Day.

#### **Recommendation #25**

The Communications Plan should provide all units in the field the ability to have complete situational awareness via cross-talk capabilities. The plan should be tested to ensure this capability prior to execution.

#### **Finding #26**

SPD Supervisors did not have portable public address systems to communicate with the crowd and SPD personnel.

#### **Recommendation #26**

All supervisors should have a hand-held portable public address system to communicate with the crowd and SPD personnel during crowd control situations, as well as, all-hazards emergencies.

#### **Finding #27**

There did not appear to be "Standing Plans" detailing critical sites and/or observation posts in the downtown business district.

### **Recommendation #27**

Give consideration to development of “Standing Plans” for downtown area. Standing Plans are pre-designed plans that specifically detail deployment of personnel to critical sites in high-visibility positions. They may also include high-ground observation posts utilized to monitor marches and/or other public events. Standing Plans may be utilized to pre-deploy personnel to critical sites quickly.

### **Finding #28**

Rain City Superhero Movement individuals were allowed to participate in the melee at 1010 5th Avenue (U. S. Appeals Federal Courthouse). Their participation resulted in allegations of assaults/crimes.

### **Recommendation #28**

SPD should collaborate with the City Attorney’s Office to determine legal strategies to restrict “Superheros” from creating crime and interfering with law enforcement operations.

### **Finding #29**

The Judkins Park march Branch Director effectively utilized dedicated SPD/Organizer Liaison Officers to assist and facilitate the “permitted marches”.

### **Recommendation #29**

Consider developing and training more liaison officers at the supervisory level to work directly with the event organizers and the Branch Directors/Operations Section Chief.

## **IV. COMMAND AND CONTROL**

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### **Finding #30**

Throughout May Day, supervisory and line-level police officers were well-disciplined and attempted to follow confusing mandates (at times squads acted independently due to an absence of command direction).

### **Recommendation #30**

Continue to provide clear directives and continue to exercise disciplined and professional conduct through leadership by example.

### **Finding #31**

There was no Operations Section Chief assigned to the ICS General Staff position.

### **Recommendation #31**

The Operations Section Chief should be responsible for the management of all operations directly applicable to the primary mission to include, developing the operations portion of IAP, briefing and assigning Operations Section personnel in accordance with the IAP, supervising the Operations Section, determining the need for and requesting additional resources, assembling strike teams and being watchful for “triggers” indicating the need to redeploy resources and advising the Incident Commander of status change.

### **Finding #32**

Unity of Command and Direction were described as confusing.

On April 24 and May 1, 2012, the briefings provided by Assistant Chief Sanford and Captain Kessler were characterized as “unclear” and created the misunderstanding that crowd management procedures included “hands-off” (non-engagement) regarding policing of (unlawful) protesters. In some cases, it was unclear if and when OC could be utilized. SPD personnel reported they were confused as to whose direction they were to follow, e.g., Assistant Chief Sanford or Captain Kessler.

### **Recommendation #32**

Recommend prior interaction between staff officers and the Incident Commander to discuss and agree on strategies in advance of “event briefings.” Significant Department procedural changes, e.g., crowd management tactics and use of OC spray, should be addressed prior to major events and allow time for Department-wide training.

Unity of Command and Direction must be emphasized as essential to the success of any operation. There cannot be the perception of two Incident Commanders. Unity of direction refers to the efforts of all members being directed towards a common goal. The Incident Commander should be responsible for developing incident objectives, strategies, setting priorities and managing incident operations to include clarity of expectations.

### **Finding #33**

Branch Directors reported some concern as to who the Incident Commander was upon hearing Assistant Chief Sanford on the SPD radio provide direction to the IC.

### **Recommendation #33**

Give consideration to reminding executive, staff and command officers regarding unity of command and assumption of command when providing guidance and advise in the field.

### **Finding #34**

It was reported there was an absence of command direction and interdiction strategy when the “non-permitted” march left Westlake Park. There was no command direction provided to personnel “monitoring” 6th Avenue businesses, the U. S. Federal Courthouse and Sneaker City. Squads were described as operating independently due to the Incident Command Team being located inside a van and remaining several blocks away from the Westlake Park march.

### **Recommendation #34**

Command needs to be in a position to provide timely direction. The Operations Section Chief and/or Branch Director(s) should have “eyes-on the situation” in order to make timely adjustments. When unlawful activity occurs to the degree of “continuous, violent destruction of property” (riot) as in the Seattle downtown core, coordinated measures must occur to include mass arrests.

### **Finding #35**

Some Command was reported as being invisible throughout the morning events of May Day.

### **Recommendation #35**

Branch Directors and the Operations Section Chief should be highly visible in the field, provide leadership, direction, control and communicate via the SPD communications net. Additionally, the Incident Commander should periodically assess the situation in the field but should not become involved in directing individual tasks. Delegation of tasks should go from the Incident Commander to the Operations Section Chief, Branch Directors, Group Supervisors, Strike Team Leaders, etc.

### **Finding #36**

A staff officer unsuccessfully attempted to arrest a protester (1500 block 6<sup>th</sup> Avenue) causing SPD personnel to respond and use force to protect the officer.

### **Recommendation #36**

SPD staff level personnel monitoring an event should refrain from taking independent action that may cause a use of force situations.

## V. TRAINING

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### **Finding #37**

It was reported, SPD did not comply with the functions of ICS positions. Although SPD prepared an IAP reflecting current Incident Command System (ICS) formatting, the functions were not executed within ICS guidelines.

### **Recommendation #37**

The Department should consider training all staff and command personnel in the Incident Command System, Critical Incident Decision Making and Incident Action Planning. Functions should be clearly defined by position and responsibility.

The Department should consider implementation of an Incident Management Team (IMT) concept of trained Department personnel to plan and assist Precinct Commanding Officers during all-hazards incidents/events.

The Department should consider sending selected supervisors, Captains and above to the Texas A&M Engineering Extension Service (TEEX), Emergency Operations Training Center in College Station, Texas, to receive Incident Command training.

Topics addressed include:

- Decision Making
- Situational Awareness
- Information Management
- Large Scale Incident Command Processes and principles
- Emergency Management Processes and Principles
- Overview of Incident Command System
- Principles of Unified Command
- Organizing and Staffing for Unified Command
- Resource Management and Incident Management Strategies
- Incident Action/Operational Plan Development
- ICS Documentation Overview
- Training Simulation Tools Overview
- All Hazards, Computer-Simulation Exercise

### **Finding #38**

May Day 2012 did not reflect contemporary Crowd Management strategies and tactics.



### **Recommendation #38**

1. As top priority, develop and train all staff and command personnel in 21st Century Crowd Management, Intervention, Control Strategies, Policies and Incident Management.
2. Simultaneously develop and train “all” Department personnel in 21st Century Crowd Management, Intervention Control Strategies and Policies (Refer to the California POST Crowd Management and Control Guidelines, March 2012 as an example of topics to be addressed).
3. Develop and implement a strategic training plan to include basic Crowd (Demonstration) Management training, annual in-service and pre-event refresher training.
4. Train all Department personnel in understanding of the 20/20 SPD strategic Initiatives.

## CONCLUDING THOUGHTS

The request by the Chief of Police to complete this report is testament to Seattle Police Department's willingness to be self-critical, transparent and to move forward with reforms. It was apparent during May Day 2012, in spite of described confusion regarding command, SPD personnel performed admirably and, in late afternoon were able to seize control of the downtown area and put a stop to the violence. During one interview, it was reported that SPD is to be complimented for their willingness to include "community" representatives in the planning and post event analysis. Within one week following May Day, Assistant Chief Sanford convened a post-event meeting to discuss what could have been done better.

There were many insights offered during this review however, several comments captured the essence of SPD's response to May Day 2012. All individuals interviewed were extremely knowledgeable, informative and very open with their opinions, as well as their recommendations.

1. One interview described the process of SPD meeting with the community in advance and post-event as a watershed event in terms of collaboration.
2. The 20/20 Vision initiatives by the Department were unprecedented since the 1999 WTO and were refreshing to experience.
3. SPD did an excellent job of facilitating the Immigrant Rights march in late afternoon but didn't start planning with the groups soon enough.
4. SPD did not do an adequate job of protecting the downtown core in the early morning and should have deployed earlier and been more visible.
5. It appeared SPD tried to change its crowd management culture too quickly (202/20 Vision Demonstration Management) without adequate Department preparation and training.
6. There was confusion amongst SPD rank and file as to what and how they were to respond as well as, their use of force guidelines.
7. All SPD personnel interviewed expressed concerns over an SPD staff officer's actions during the morning melee downtown.
8. The Mayor's Emergency Proclamation greatly assisted SPD in stopping the violence in the downtown core.
9. Incident Command was described as "unclear".

What is clear is that Seattle downtown core suffered severe damage to many businesses, banks, parked vehicles as well as the William Kenzo Nakamura Courthouse over a three to four hour period. Incendiary devices were utilized by protesters at Nike Town and the Federal Courthouse. The media reported as many as 2,000 protesters participated in the May Day events and media

representatives and police officers were injured. The events of the day were well known in advance with permits being provided by the City to the Immigrants' Rights March and the Occupy Movement. Seattle Police Department (SPD) Criminal Intelligence Section alerted the political constituency and the Department well in advance of the planned violence.

The vandalism that occurred that day was clearly coordinated by Black Bloc members. As has been noted in recent national events, well intentioned protests wishing to exercise their First Amendment rights have been "hijacked" by a few dissidents having no affiliation with any legitimate group. A few individuals caused havoc and devastation for no reason, other than to be destructive.

As previously reported, some of the downtown business owners believed its Police Department did not protect them and that they were invisible during the morning. However, others were laudatory of SPD's "facilitation" of the lawful marches during the afternoon.

Seattle Police Department is one of the finest law enforcement organizations in the United States. This reviewer is confident SPD will seize this opportunity to reform and rise to the forefront as a leader in Demonstration Management by creating new policy, command/leadership mentoring, and initiation of Department-wide 21st Century Crowd Management training.

## **APPENDICES**

**APPENDIX 1**

**Summary**

**Findings and Recommendations**

## SUMMARY - FINDINGS AND RECOMMENDATIONS

FINDINGS	RECOMMENDATIONS
I. POLICY	
<p>1. The pre- and post-May Day community stakeholders planning/debriefing meetings conducted by Assistant Chief Sanford were visionary and reflected Department commitment to the 20/20 Reform initiatives.</p>	<p>During future incidents/events, consider continuing “inclusive” meetings with the Downtown Business Association representatives.</p>
<p>2. Demonstration Management Policy Section 14.090 (both current and draft versions) does not reflect contemporary crowd management and control practices.</p>	<p>Consider updating the current and draft policies to include concepts, strategies, and specific topics relevant to contemporary crowd management.</p> <p>Furthermore, the draft Policy should reference the FEMA Incident Action Planning Guide, January 2012 regarding the Incident Commander and Operations Section Chief responsibilities involving the briefing format.</p> <p>The policy should reference (but not limited to) the following:</p> <ol style="list-style-type: none"> <li>1. Law Enforcement Objectives in the 21st Century               <ol style="list-style-type: none"> <li>a. Principles of Crowd Management</li> <li>b. Community Stakeholders</li> <li>c. Terms and Definitions</li> </ol> </li> <li>2. Planning and Preparation               <ol style="list-style-type: none"> <li>a. Incident Command System (ICS)</li> <li>b. Incident/Event Briefing</li> <li>c. Crowd Behavior</li> <li>d. Strike Team Response</li> <li>e. Mutual Aid &amp; Multi-Agency Coordination</li> <li>f. Public Agency and Community-Based Resources</li> <li>g. Training and Managing Crowds</li> </ol> </li> <li>3. Information Management               <ol style="list-style-type: none"> <li>a. Information Gathering and Assessment</li> <li>b. Incident Documentation</li> </ol> </li> <li>4. Roles and Responsibilities</li> </ol>

	<ul style="list-style-type: none"> <li>a. Command and Control</li> <li>b. Leadership Responsibilities</li> <li>c. Criminal Investigation</li> </ul> <p>5. Crowd Control</p> <ul style="list-style-type: none"> <li>a. Crowd Management, Intervention and Control strategies</li> <li>b. Dispersal Orders</li> <li>c. Mass Arrest and Booking</li> <li>d. Use of Force: Force Options</li> <li>e. Use of Nonlethal Chemical Agents</li> </ul> <p>6. Media</p> <ul style="list-style-type: none"> <li>a. Media strategies</li> <li>b. Electronic communications and social media</li> </ul>
<p>3. Use of Force – Oleoresin Capsicum, Policy Section 6.240 does not include contemporary procedures consistent with the use of OC and does not include a recent 9th Circuit Court of Appeals case <i>Young v. County of Los Angeles</i>.</p>	<p>Consider updating the current Use of Force Policy to include (but not limited to), the following:</p> <ul style="list-style-type: none"> <li>1. There is no exception to the law or Department use of force policy.</li> <li>2. The use of OC during any application of force must be based on the “Objectively Reasonable” standard.</li> <li>3. The use of OC for crowd dispersal must be approved by the Incident Commander or his/her designee.</li> <li>4. OC shall not be used to gain compliance of a passive-resistant protester.</li> <li>5. The application of OC is a reportable use of force.</li> <li>6. Include recent case law.</li> </ul>
<p>4. Media Relations – 1.070 and Public Affairs (Draft Policy) – Terminology is not consistent with Incident Command System (ICS) terms and definitions.</p>	<p>Consider changing “on-scene commander” to the “Incident Commander”.</p>
<p>5. The draft Public Affairs Policy does not specifically address Public Assemblies.</p>	<p>Consider including (but not limited to) in the draft Public Affairs Policy a specific section regarding Public Assemblies:</p> <ul style="list-style-type: none"> <li>1. Having an effective media relationship is important to law enforcement when addressing crowd management incidents. The more law enforcement interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting.</li> <li>2. When practical, designate an area outside the impacted area/crime scene but within</li> </ul>

	<p>audible range for media to congregate and report the event.</p> <ol style="list-style-type: none"> <li>When practical, the Department will try to prevent the news media viewing area from becoming part of any area impacted by an unlawful assembly declaration and order to disperse.</li> <li>When practical, assign a trained uniformed officer in the field, identified as a temporary PIO to coordinate with the media as necessary.</li> <li>Consider developing a plan in advance to address non-traditional media in the crowd.</li> <li>Consider informing the media of law enforcement expectations during a dispersal order.</li> </ol>
6. The Media Relations, SPD Blogger for Major Incidents utilized May Day 2012 exceeds contemporary law enforcement standards.	Continue to improve the use of the SPD Blogger for major events. The use of the SPD Blogger by the Supervisor in charge of Public Affairs on May Day 2012 was excellent and kept the community advised as to the status of the unrest in the Seattle Center Area.
<b>II. PLANNING</b>	
7. Based on specific intelligence collected prior to May Day, "Department Planning" did not begin early enough to provide effective deployment and include clarity of strategies.	Consider planning, reviewing and approving high-profile, annual events well in advance to allow for pre-event training. In this case it would have been preferable to initiate Department-wide planning to include specific May Day training, at least one month in advance.
8. As reported, the Incident Commander did not appear to be actively engaged in incident planning and depended on SPOC to complete the IAP.	The Incident Commander should <u>direct and oversee</u> planning efforts. The Incident Commander should establish objectives and strategies based on intelligence; request resources based on tasks; the Operations Section Chief should determine the tasks to be performed and the Planning Section Chief should prepare the plan and ensure necessary resources are available from throughout the Department.



9. Special Event and incident planning did not appear to follow preferred practices as described in the Incident Command System (ICS) planning process.	Consider referring to the FEMA Incident Action Planning Guide (January 2012) and ensure the process is followed.
10. As reported, the Incident Commander did not ensure adequate resources were deployed.	Consider requiring the Incident Commander to determine appropriate staffing levels, organization structure based on function and to ensure personnel and equipment requests are processed and approved in a timely manner.
11. The IAP was not officially reviewed and approved by the Incident Commander (and chain of command) to include a signature and date of approval prior to dissemination.	Require the Incident Commander affix his/her signature (and date of review) to the Incident Action Plan prior to distribution (accountability).
12. It did not appear personnel were scheduled to report for duty early enough to provide adequate information exchange and "overt" police presence (see Chronology). Additionally, there did not appear to be a supervisory pre-meeting prior to the event.	<p>The Incident Commander should review personnel reporting times based on known or anticipated facts (intelligence) and ensure roll-calls, equipment check-out, transit times and information exchange occur early enough to ensure resources are on-site and in position prior to protesters arrival.</p> <p>Additionally, the Incident Commander should conduct a pre-meeting with all supervisors to discuss strategies, receive input, clarify issues and provide continuity of the Commander's Intent.</p>
13. Scheduled May Day briefings were not combined to ensure consistency of messaging, nor centrally located in the West Precinct area to reduce deployment time.	Consideration should be given to combined briefings (roll-calls), centrally located and well in advance of the events to allow for early deployment.

14. It was reported, command did not immediately react to changing conditions once crowds started to build, marches and violence began. The Incident Commander did not request/readjust SPD resources to meet changing conditions.	The Incident Commander and General Staff should constantly re-assess the situation and prepare for unanticipated incidents, e.g., non-permitted marches. Strategies should include re-deployment of on-duty personnel to critical sites/business; repositioning and coordinating resources to prevent property damage and make arrests.
15. According to interviews, the SPD 20/20 Initiatives, Demonstration Management and Reforms were not thoroughly communicated and explained. It was reported there had been no training provided prior to May Day regarding the change in Crowd Management tactics.	Consider a timely “roll-out” plan for new strategies, e.g., the 20/20 Vision, to include Department-wide education and training to clarify expectations prior to the event and allow time for a change to be implemented.
16. Although the 20/20 Strategic Plan includes affixing Crowd Management Reform to a Lieutenant, currently, collateral duties and responsibilities appear to have competing priorities reducing the ability to focus on implementation of crowd management reforms.	Consider appointing a Command level Officer (Captain) as the SPD Demonstration Management Coordinator to be responsible for overseeing Department-wide policies, guidelines, training, technology and best practices. Give consideration to this position being a direct report to the Commanding Officer Special Operations Bureau and be cross-staffed with the Training Section.
17. Throughout the interviews, SPD personnel were extremely concerned about their actions considering SPD is under United States Department of Justice, Settlement Agreement.	The United States Department of Justice Settlement Agreement must be embraced by the Department and cannot be impediments to SPD daily and future performance. Updates, expectations, procedures and training must be communicated Department-wide to reduce fear and maintain continuity of operations.
18. The advance preparation of a draft Emergency Proclamation by the Seattle West Precinct Liaison, Deputy City Attorney, providing the authority to seize potential weapons by SPD, demonstrated excellent foresight.	Consider enacting (to include but not limited to) permanent City Municipal Ordinances prohibiting: <ul style="list-style-type: none"> <li>• Non-flammable substances other than small candles (define size);</li> <li>• Any length of lumber, wood, or wood lath unless that object is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarters inch</li> </ul>

	<p>in its thickest dimension. Both ends of the lumber, wood or wood lath shall be blunt;</p> <ul style="list-style-type: none"> <li>Any length of metal or plastic pipe greater than 12 inches, whether hollow or solid; Provided that hollow plastic not exceed three-quarter (3/4") inch in its thickest dimension, and not exceed one-eighth inch (1/8") in wall thickness and is not filled with any material, liquid, gas or solid that may exceed 12 inches in length when used to support a sign, banner, placard, puppet or other similar display. Both ends of the length of material shall be blunt;</li> <li>Improvised items commonly referred to as Lock-Down, Black Bears or Sleeping-Dragon devices. The terms Lock-Down, Black Bears or Sleeping Dragon, shall include a section of pipe or other material containing and/or filled with weighted materials and/or handcuffs, chains, or other locking devices utilized for the purpose of locking persons to other persons or objects;</li> <li>Balloons filled with any materials or substances other than air, oxygen or helium;</li> <li>Any projectile launcher or other device which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance. Prohibited items include, but are not limited to: Super-soakers, water cannons, catapults and wrist rockets. Nothing in this subsection is intended to prohibit or restrict the possession of water or other liquids designed and intended for human consumption during a lawful assembly;</li> <li>Biological toxic waste fluid, solid or gas in any container; any caustic, corrosive, abrasive or flammable fluid, solid or gas in any container, when a police officer reasonably believes, under the circumstances that said substances would be used in an unlawful manner</li> </ul>
<b>III. OPERATIONS</b>	
19. There was no "fixed site" established for the Incident Command Post to manage the event.	Establish a "fixed site" for the Incident Command Post (ICP) with appropriate staffing to include communications, SITSTAT,

	<p>RESTAT and Documentation Unit.</p> <p>Establish unified command with Fire Department and consider equipping SUV style vehicles similar to and compatible with Fire Department ICP vehicles.</p>
<p>20. It was reported, there were insufficient resources during the Westlake Park, non-permitted march. There was no indication of a request for a "Task Force" and/or re-deployment of resources to the downtown area as a deterrent and response to property destruction. The term Task Force is not consistent with ICS terminology.</p>	<p>Command should constantly analyze the situation and think ahead of when resources might be required. Provisions for requesting a "Task Force" and/or deploying additional personnel must be requested before they are needed. The term "Task Force" should be referred to as a "Strike Team".</p>
<p>21. There were no "Anti-Violence Teams" (plain clothes personnel) deployed inside crowds to specifically identify unlawful activity. Additionally, there did not appear to be uniformed "force protection teams" deployed to make "surgical arrests" pointed out by the Anti-Violence Teams. (Note: The mission of the Anti-Violence Teams differs from the SAT Teams in that they are dedicated to identifying unlawful behavior and working with their assigned uniform teams who make the arrests).</p>	<p>Consider training and deployment of Anti-Violence Teams (plain clothes) with uniformed personnel working together as squads. Their primary mission is to work inside the crowd and report unlawful behavior. The uniform teams work with the Anti-Violence Teams and support "surgical" arrests. The use of these teams allows the Incident Commander to make <u>specific arrests</u> for unlawful behavior without declaring the entire assembly unlawful.</p>
<p>22. The effectiveness of Bicycle Units was commented on as being highly successful in meeting the dynamics of mobile and densely populated crowds. The use of Bicycle Units to facilitate marches and public assemblies is a best practice and should be exploited.</p>	<p>Consider expansion of the SPD Bicycle Unit program with a Department coordinator at the rank of Lieutenant. Department coordination should provide consistent and frequent training to Bicycle Units in crowd management tactics.</p>
<p>23. The Downtown Seattle Business District Association cameras and security liaison were not utilized by SPD.</p>	<p>Capitalize on the inclusion of the Downtown Seattle Business District Association security personnel and camera technology to support Incident Command and provide "real-time" situational awareness. Additionally, during high profile incidents involving the downtown</p>

	area, consider including a Downtown Seattle Business District Association security representative inside SPOC and/or the ICP as a liaison representative.
24. It was reported the Incident Commander utilized his cellular telephone to communicate with his staff rather than SPD radio channels to provide primary direction to field personnel (he believed SPD frequencies were being monitored by protesters).	Give consideration to primarily utilizing SPD radio frequencies to communicate with all personnel. Note: the timeliness and dependability of cellular technology during high frequency usage is unreliable and does not provide total situational awareness for field personnel.
25. The ICS-205 (Communications Plan) was not operationally acceptable as personnel were unaware of which frequency to utilize. Some supervisors expressed concern they were unclear how to reach the Incident Commander and tactically communicate. The plan was not tested in advance of May Day.	The Communications Plan should provide all units in the field the ability to have complete situational awareness via cross-talk capabilities. The plan should be tested to ensure this capability prior to execution.
26. SPD Supervisors did not have portable public address systems to communicate with the crowd and SPD personnel.	All supervisors should have a hand-held portable public address system to communicate with the crowd and SPD personnel during crowd control situations, as well as, all-hazards emergencies.
27. There did not appear to be "Standing Plans" detailing critical sites and/or observation posts in the downtown business district.	Give consideration to development of "Standing Plans" for downtown area. Standing Plans are pre-designed plans that specifically detail deployment of personnel to critical sites in high-visibility positions. They may also include high-ground observation posts utilized to monitor marches and/or other public events. Standing Plans may be utilized to pre-deploy personnel to critical sites quickly.

28. Rain City Superhero Movement individuals were allowed to participate in the melee at 1010 5th Avenue (U. S. Appeals Federal Courthouse). Their participation resulted in allegations of assaults/crimes.	SPD should collaborate with the City Attorney's Office to determine legal strategies to restrict "Superheros" from creating crime and interfering with law enforcement operations.
29. The Judkins Park march Branch Director effectively utilized dedicated SPD/Organizer Liaison Officers to assist and facilitate the "permitted marches".	Consider developing and training more liaison officers at the supervisory level to work directly with the event organizers and the Branch Directors/Operations Section Chief.
<b>IV. COMMAND AND CONTROL</b>	
30. Throughout May Day, supervisory and line-level police officers were well-disciplined and attempted to follow confusing mandates (at times squads acted independently due to an absence of command direction).	Continue to provide clear directives and continue to exercise disciplined and professional conduct through leadership by example.
31. There was no Operations Section Chief assigned to the ICS General Staff position.	The Operations Section Chief should be responsible for the management of all operations directly applicable to the primary mission to include, developing the operations portion of IAP, briefing and assigning Operations Section personnel in accordance with the IAP, supervising the Operations Section, determining the need for and requesting additional resources, assembling strike teams and being watchful for "triggers" indicating the need to redeploy resources and advising the Incident Commander of status change.
32. Unity of Command and direction were described as confusing.  On April 24 and May 1, 2012, the briefings provided by Assistant Chief Sanford and Captain Kessler were characterized as "unclear" and created the	Give consideration to <u>prior</u> interaction between staff officers and the Incident Commander to discuss and agree on strategies in advance of "personnel briefings." Significant Department procedural changes, e.g., crowd management tactics and use of OC spray, should be

misunderstanding that crowd management procedures included "hands-off" (non-engagement) regarding policing of (unlawful) protesters. In some cases, it was unclear if and when OC could be utilized. SPD personnel reported they were confused as to whose direction they were to follow, e.g., Assistant Chief Sanford or Captain Kessler.	addressed prior to major events and allow time for Department-wide training.
33. Branch Directors reported some concern as to who the Incident Commander was upon hearing Assistant Chief Sanford on the SPD radio provide direction to the IC.	Give consideration to <u>reminding</u> executive, staff and command officers regarding unity of command and assumption of command when providing guidance and advice in the field.
34. It was reported there was an absence of command direction and interdiction strategy when the "non-permitted" march left Westlake Park. There was no command direction provided to personnel "monitoring" 6th Avenue businesses, the U. S. Federal Courthouse and Sneaker City. Squads were described as operating independently due to the Incident Command Team being located inside a van and remaining several blocks away from the Westlake Park march.	Command needs to be in a position to provide timely direction. The Operations Section Chief and/or Branch Director(s) should have "eyes-on the situation" in order to make timely adjustments. When unlawful activity occurs to the degree of "continuous, violent destruction of property" (riot) as in the Seattle downtown core, coordinated measures including mass arrests must occur.
35. Some Command was reported as being invisible throughout the morning events of May Day.	Branch Directors and the Operations Section Chief should be highly visible in the field, provide leadership, direction, control and communicate via the SPD communications net. Additionally, the Incident Commander should periodically assess the situation in the field but <u>should not</u> become involved in directing individual tasks. Delegation of tasks should go from the Incident Commander to the Operations Section Chief, Branch Directors, Group Supervisors, Strike Team Leaders, etc.
36. A staff officer unsuccessfully attempted to arrest a protester (1500 block 6th Avenue) causing SPD personnel to respond and use force to protect the officer.	SPD staff level personnel monitoring an event should refrain from taking independent action that may cause a use of force situations.

V. TRAINING	
<p>37. It was reported, SPD did not comply with the functions of ICS positions. Although SPD prepared an IAP reflecting current Incident Command System (ICS) formatting, the functions were not executed within ICS guidelines.</p>	<p>The Department should consider training all staff and command personnel in the Incident Command System, Critical Incident Decision Making and Incident Action Planning. Functions should be clearly defined by position and responsibility.</p> <p>The Department should consider implementation of an Incident Management Team (IMT) concept of trained Department personnel to plan and assist Precinct Commanding Officers during all-hazards incidents/events.</p> <p>The Department should consider sending selected supervisors, Captains and above to the Texas A&amp;M Engineering Extension Service (TEEX), Emergency Operations Training Center in College Station, Texas, to receive Incident Command training.</p> <p>Topics addressed include:</p> <ul style="list-style-type: none"> <li>• Decision Making</li> <li>• Situational Awareness</li> <li>• Information Management</li> <li>• Large Scale Incident Command Processes and principles</li> <li>• Emergency Management Processes and Principles</li> <li>• Overview of Incident Command System</li> <li>• Principles of Unified Command</li> <li>• Organizing and Staffing for Unified Command</li> <li>• Resource Management and Incident Management Strategies</li> <li>• Incident Action/Operational Plan Development</li> <li>• ICS Documentation Overview</li> <li>• Training Simulation Tools Overview</li> <li>• All Hazards, Computer-Simulation Exercise</li> </ul>



<p>38. May Day 2012 did not reflect contemporary Crowd Management strategies and tactics.</p>	<ul style="list-style-type: none"> <li>• As <u>top priority</u>, develop and train all staff and command personnel in 21st Century Crowd Management, Intervention, Control Strategies, Policies and Incident Management.</li> <li>• Simultaneously develop and train “all” Department personnel in 21st Century Crowd Management, Intervention Control Strategies and Policies (Refer to the California POST Crowd Management and Control Guidelines, March 2012 as an example of topics to be addressed).</li> <li>• Develop and implement a strategic training plan to include basic Crowd (Demonstration) Management training, annual in-service and pre-event refresher training.</li> <li>• Train all Department personnel in understanding of the 20/20 SPD strategic Initiatives.</li> </ul>
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**APPENDIX 2**  
**Interviews Conducted**

## INTERVIEWS CONDUCTED

### NAME

1. Chief of Police, Diaz, J.
2. Deputy Chief, Kimmer, C.
3. Assistant Chief, McDonagh, P.
4. Assistant Chief, Sanford, M.,
5. Captain, Keesler, J.
6. Captain, Edwards, M.
7. Lieutenant, Barden, E.
8. Lieutenant, Hay, P.
9. Lieutenant, James, N.
10. Lieutenant, Levandowski, V.
11. Lieutenant, Tamayo, S.
12. Lieutenant, Wilske, S.
13. Sergeant, Gracy, P.
14. Sergeant, Kraus, B.
15. Sergeant Lam, J.
16. Sergeant, MaHaffey, T.
17. Sergeant, Vandergleson, D.
18. Sergeant, Verhaar, P.
19. Sergeant, Whitcomb, S.
20. Detective, Friesen, W.,
21. Detective, Hall, R.
22. Detective, Monner, K.
23. Police Officer, Lee, P.
24. Ms. Duggard, L. (Defenders Association)
25. Ms. Joncas, K. (President Downtown Association)
26. Mr. Bokanegra, J. (El Komite Pro Reforma Migratoria y Justicia Social)

## **APPENDIX 3**

### **Interview Preamble**

## SEATTLE POLICE DEPARTMENT INTERVIEW PREAMBLE

- I am Mike Hillmann and have been commissioned by Chief of Police John Diaz to conduct a review of the events surrounding May 1, 2012 or Seattle May Day 2012.
- It is believed you may have information regarding the events surrounding May Day 2012 and are being asked to share your insights.
- This review will be presented to the Chief of Police and in all probability, will result in a Public Report.
- The review will focus on Planning, Command and Control, Crowd Management, Policies, Tactics, Use of Force, Arrest Posture, Training and Accountability. Your candid insights are critical to providing a comprehensive report.
- This interview is voluntary, not compelled and will not be recorded. If at any time you feel uncomfortable answering a question, please advise and I will move on. The interview will last approximately 1 to 1 ½ hours.
- Do you have any questions?
- Could you please state and spell your name, rank and current Assignment?
- What was your role during May Day 2012?

## **APPENDIX 4**

### **Example**

#### **Crowd Management Intervention and Control Strategies**

#### **2012 - California POST Guidelines**

# Crowd Management Intervention and Control Strategies

Situation	Law Enforcement Response	
<p><b>Lawful Assembly</b></p> <p>Free Speech and assembly are protected First Amendment activities.:</p> <ul style="list-style-type: none"> <li>Speeches</li> <li>Picketing</li> <li>Marches</li> <li>Public assemblies</li> <li>Demonstrations</li> <li>Protests</li> <li>Rallies</li> <li>Celebratory events</li> </ul>	<p><b>Use Crowd Management strategies</b></p> <ul style="list-style-type: none"> <li>Meet with event organizers and stakeholders</li> <li>Determine the history and risk of the group</li> <li>Create a planning team</li> <li>Check permit limitations</li> <li>Develop Incident Action Plan and objectives</li> <li>Identify and assign resources</li> <li>Monitor and assess crowd behavior</li> </ul>	<ul style="list-style-type: none"> <li>Separate opposing factions</li> <li>Maintain video log</li> <li>Provide direction and expectations at roll call/briefing</li> <li>Engender facilitation, not confrontation</li> <li>Interact with organizers and gain their cooperation</li> </ul>
<p><b>Isolated Unlawful Behavior</b></p> <p>Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful.</p> <ul style="list-style-type: none"> <li>Isolated destruction of property</li> <li>Isolated acts of violence</li> <li>Isolated rock or bottle throwers</li> <li>Individual sit down demonstrators</li> </ul>	<p><b>Use Crowd Intervention strategies</b></p> <ul style="list-style-type: none"> <li>Use organizers and monitors to gain voluntary compliance</li> <li>Isolate, arrest and remove law violators as quickly as possible</li> <li>Video action of officers and law violators</li> <li>Use amplified sound to communicate intent or to gain compliance</li> <li>Use low profile tactics when possible. Don't become the focus of the demonstration</li> </ul>	<ul style="list-style-type: none"> <li>When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams</li> <li>Continue to assess; escalate and de-escalate as behavior changes</li> <li>Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior</li> </ul>
<p><b>Unlawful Assembly</b></p> <p>Assemblies may be dispersed when they are violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring, action may be taken to stop it prior to a Dispersal Order being given.</p> <p>Per Penal Code §407, two or more persons assemble to:</p> <ul style="list-style-type: none"> <li>Commit an unlawful act or</li> <li>Commit a lawful act in a boisterous or tumultuous manner</li> </ul>	<p><b>Use Crowd Control strategies</b></p> <ul style="list-style-type: none"> <li>Seek voluntary compliance</li> <li>Video action of officers and law violators</li> <li>Act quickly</li> <li>Request needed resources</li> <li>Put control forces in place</li> <li>Identify dispersal routes</li> <li>Consider a traffic plan</li> <li>Move media to protected area</li> <li>Use amplified sound to communicate intent to declare an unlawful assembly</li> <li>Disperse unlawful crowd</li> </ul>	<ul style="list-style-type: none"> <li>Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit</li> <li>Arrest individuals who fail to disperse or who are involved in illegal activity</li> <li>With proper approval, deploy appropriate less lethal munitions to defend officers or to disperse the crowd</li> <li>Ensure only reasonable force</li> <li>Report use of force</li> <li>Restore traffic flow</li> </ul>
<p><b>Riot</b></p> <p>Penal Code §404: (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.</p> <ul style="list-style-type: none"> <li>Group violent behavior</li> <li>Group acts of property damage</li> </ul>	<p><b>Use Crowd Control strategies</b></p> <ul style="list-style-type: none"> <li>Video action of officers and law violators</li> <li>Request needed resources</li> <li>Put control forces in place</li> <li>Stop the illegal activity</li> <li>Put a traffic plan in place</li> <li>Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit</li> <li>Arrest law violators</li> <li>With proper approval, deploy appropriate less lethal munitions to defend officers or to stop violent behavior or property damage</li> </ul>	<ul style="list-style-type: none"> <li>Ensure only reasonable force</li> <li>Report use of force</li> <li>Restore and maintain order</li> <li>Restore traffic flow</li> <li>Discourage groups from forming</li> <li>Protect lives, property, and vital facilities</li> <li>Remain present</li> <li>Reassess the situation</li> <li>Return to normalcy</li> <li>Act quickly</li> </ul>

Note: This table is neither all-inclusive nor limiting.

## **APPENDIX 5**

### **Example**

#### **Terms and Definitions**

#### **2012 - California POST Guidelines**



## Terms and Definitions

### **Anarchist**

A person who uses unlawful, violent means to cause disorder or upheaval

### **Active Resistance**

To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

### **After Action Report**

A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

### **Arrest Protocol**

The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

### **Arrest Teams**

Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

### **Assaultive Resistance**

Aggressive or combative behavior which attempts or threatens to assault an officer.

### **Booking Teams**

Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

### **Chemical Agents**

See Nonlethal Chemical Agents, page 49.

### **Civil Disobedience**

An unlawful event involving a planned or spontaneous demonstration by a group of people.

### **Civil Disorder**

An unlawful event involving significant disruption of the public order.

### **Command**

The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

### **Compliance Techniques**

Reasonable, lawful use-of-force methods intended to encourage suspect cooperation.

### **Compliant Behavior**

Behavior consistent with submitting to lawful orders of a peace officer without resistance.

### **Control Devices**

Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

### **Cordonning**

Surrounding or enclosing a particular problem area; also referred to as perimeter control.

### **Critical Facilities**

Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

### **Crowd**

A number of persons gathered together.

### **Crowd Control**

Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

### **Crowd Dynamics**

Factors which influence crowd behavior.

### **Crowd Intervention**

Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

### **Crowd Management**

Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.

**Decontamination**

Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

**Discipline**

Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

**Dispersal Order**

Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

**Dismounted Tactics**

Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

**Emergency Operations Center (EOC)**

A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

**Essential Elements of Information (EEI)**

Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

**Flash Mob**

A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

**Flashpoint**

Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

**Force Options**

Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

**Formations**

Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

**Incident Action Plan (IAP)**

A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

**Incident Command System (ICS)**

The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

**Incident Objectives**

Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.

**Leadership**

The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

**Less Lethal Impact Munitions**

Projectiles launched or otherwise deployed for purposes of overcoming resistance, preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

**Life Threatening**

Any action likely to result in serious injury or death of an officer or another person.

**Management**

The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

**Mobile Arrest and Booking Teams**

Mobile teams designated to assist field personnel with mass arrests and processing.

**Mobile Field Force**

An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as "Mutual Aid Response Mobile Field Force."

**Mobile Tactics**

The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

**Mob**

A disorderly group of people engaged in unlawful activity.

**Mounted Tactics**

Crowd control while mounted on horses.

**Non-Compliant Behavior**

Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as "passive resistance").

**Nonlethal Chemical Agents**

Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

**Noticed Events**

Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

**Operations Plan**

A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

**Operations Security (OPSEC)**

Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

**Pain Compliance**

Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

**Passive Resistance**

Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

**Perimeter Control**

See *Cordoning*, page 47.

**Photographic Teams**

Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

**Policy**

Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency's objective.

**Procedure**

A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

**Public Disruption**

The interruption or disturbance of public order.

**Stakeholder**

Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

**Sectoring**

An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

**Social Media**

Communications of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

**Spontaneous Events**

Public assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

**Standardized Emergency Management System (SEMS)**

A system required by California Government Code for managing response to multi-agency and multijurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

**Tear Gas**

The term used in the California Penal Code for what law enforcement more accurately refers to as "nonlethal chemical agents."

***Unified Command***

In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

***Unity of Command***

The concept by which each person within an organization reports to one and only one designated person.

***Unlawful Assembly***

Penal Code Section 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

**APPENDIX 6**

**Qualifications of Report Writer**

## MICHAEL R. HILLMANN RESUME

Michael R. Hillmann is a 44 year veteran of public service. He retired in 2008 as a Deputy Chief from the Los Angeles Police Department following 42 years of service and is a former Assistant Sheriff with Orange County Sheriff-Coroner Department, Orange County California where he served until 2010. As of 2013 he is currently an Assistant Chief of Police with the Los Angeles Port Police Department.

Deputy Chief Hillmann was a member of the Los Angeles Police Department for 42 years. During his career he was assigned to a variety of commands to include Metropolitan Division, SWAT and Air Support Division. Lieutenant Hillmann was promoted to Captain, January 21, 1996 and later appointed Deputy Chief of Police, December 4, 2002.

In 2002, Deputy Chief Hillmann, implemented and commanded Special Operations Bureau. In June 2006, he served as Commanding Officer, Operations-West Bureau which included Hollywood, Pacific, Wilshire, West Los Angeles Areas and the Los Angeles International Airport. In 2007 he was appointed as Commanding Officer of Incident Management and Training Bureau following the 2007 May Day incident. Chief Hillmann has directed and/or coordinated law enforcement response to well over one hundred public assemblages throughout his career.

He is a published author of several tactical articles addressing SWAT, Crisis Negotiation, Critical Incident Decision Making, Airborne Law Enforcement Operations, Crowd Management and Use of Force. In 2002, Deputy Chief Hillmann assisted in crowd management training for the 2002 Salt Lake City, Winter Olympic Games. In 2003, 2007 and 2012, Deputy Chief Hillmann participated as a subject matter expert with the California Peace Officers Standards and Training (POST) regarding preparation of the Crowd Management Guidelines. He is a court-qualified, subject matter expert regarding use of force, tactics, SWAT, civil disorder and crowd control. He participated and/or co-authored investigative and public reports regarding law enforcement agencies response to crowd control situations to include LAPD - MacArthur Park, May 1, 2007, UC Davis response to Occupy Movement, November 18, 2011, and the Oakland Police Department's response to Occupy Movement October 25, 2011

Other achievements during his LAPD career included: development of the Department's Crisis Negotiation Team (1976), Tactical Intelligence Support (TOC) model utilized during the 1984 Los Angeles, Summer Olympic Games and the Department's Mobile Field Force (MFF) program (1992) and the 21st Century Mobile Field Force training program delivered post May Day 2007. He has instructed numerous law enforcement and military personnel in the subject areas of SWAT, Hostage Rescue, Tactical Supervision, Civil Disorder and Crowd Control, Use of Force, Officer Safety Tactics, Special Event Planning, Unusual Occurrence Management and Critical Incident Decision Making (Command Officers).

In 2008, following retirement from LAPD, he was selected as Assistant Sheriff for the Orange County Sheriff-Coroner Department up until 2010. As of 2013, he was selected as an Assistant Chief of Police for the Los Angeles Port Police Department where he oversees marine, field and counter-terrorism operations for the Port of Los Angeles. His previous commands have included field and investigative operations, emergency preparedness, mutual aid coordination, special operations, critical incident management, airborne and marine operations, counter-terrorism intelligence and other investigative functions. Assistant Chief Hillmann currently possesses a Bachelor of Arts Degree from the University of Redlands, California in Public Service Management.